

**REMARKS**

Claims 1, 2, 4-6, and 8-16 are pending. Reconsideration and allowance of the present application based on the following remarks are respectfully requested.

***Claim Rejections Under 35 U.S.C. § 103***

**A.** Claims 1, 2, 4-6, and 8-16 were rejected under 35 U.S.C. § 103(a) over Wei (U.S. Patent No. 5,243,629) in view of Applicants Admitted Prior Art (AAPA). Applicants respectfully traverse this rejection.

Claim 1 recites, in part, a QAM transmitting apparatus having a multiplicity of transmission bands with variable transmission rates that includes band splitting means for distributing the TX data preprocessed by the TC sub-layer means to a predetermined number of band TX processing means based on predetermined and different data transmission rates.

In contrast, Wei discloses a HDTV transmission system that includes a plurality of classes of information. In particular, Wei discloses that unequal error protection can be provided to the different classes of information and that the unequal error protection can be implemented in several ways, including, different constellation sizes or different symbol rates. Wei does not teach or suggest splitting data based on predetermined and different transmission rates. That is, a symbol rate is not analogous to a transmission rate. AAPA does not remedy the deficiencies of Wei discussed above.

Accordingly, no combination of Wei and AAPA teaches or suggests, a QAM transmitting apparatus having a multiplicity of transmission bands with variable transmission rates that includes band splitting means for distributing the TX data preprocessed by the TC sub-layer means to a predetermined number of band TX processing means based on predetermined and different data transmission rates, as recited in claim 1.

Claims 6, 10, and 14 are believed allowable for at least the reasons presented above with respect to claim 1 because claims 6, 10, and 14 recite features that are similar to the features of claim 1 discussed above.

Claims 2, 4, 5, 8, 9, 11-13, 15, and 16 are believed allowable for at least the same reasons presented above with respect to claims 1, 6, 10, and 14 by virtue of their dependence upon claims 1, 6, 10, and 14. Accordingly, Applicant respectfully requests reconsideration and withdrawal of this rejection.

**Conclusion**

Therefore, all objections and rejections having been addressed, it is respectfully submitted that the present application is in a condition for allowance and a Notice to that effect is earnestly solicited.

Should any issues remain unresolved, the Examiner is encouraged to contact the undersigned attorney for Applicants at the telephone number indicated below in order to expeditiously resolve any remaining issues.

Respectfully submitted,

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